IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 9980 of 2007(K)

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PETITIONER:

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ELIZABETH JOSE, W/O. P.M. JOSE,
PLAMOOTTIL VILLA, KAIPUZHA,
KULANADA, KOLLAM DISTRICT.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

RESPONDENTS:

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1. THE KULAKKADA GRAMA PANCHAYAT, KOLLAM DISTRICT.
   REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, KULAKKADA GRAMA PANCHAYT,
   KOLLAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 9980 OF 2007

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Dated this the 23rd day of March, 2007

**JUDGMENT**

The grievance of the petitioner who has property on the western side of the property of the respondent-Panchayat is that the Panchayat is now about to construct a compound wall to its property in such a manner as to completely close down the pathway through which she is having vehicular access to her property. In the nature of the contentions which are likely to crop up, I feel that the petitioner will have to seek her remedies from a competent Civil Court. But Mr.Sathish Ninan submits that in view of Section 249 of the Panchayat Raj Act, any suit against Municipality may not be maintainable before the statutory notice is issued.

Under these circumstances, I dispose of the writ Petition, relegating the petitioner to remedies from a Civil Court. However, considering the submissions of Mr.Sathish Ninan that if compound wall is permitted to be constructed, in the meanwhile i.e. even before the petitioner is able to approach the Civil Court after issuing notice, vehicular access to the petitioner's property will be completely cut off, I direct the Panchayat to leave an opening having a width of 8 feet on the

compound wall so as to enable the petitioner to get access to the property for a period of 45 days from today.

**PIUS C. KURIAKOSE, JUDGE**

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